

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

GRAY INS. CO.

CIVIL ACTION NO. 07-1523

VS.

JUDGE MELANÇON

MAGISTRATE JUDGE METHVIN

**JOSEPH TERRY
AARON D. TERRY
TAMMIE M. TERRY
GOVERNMENT TECHNICAL
SERVICES, LLC**

RULING ON AMOUNT OF RULE 37(a)(4) ATTORNEYS FEES AND COSTS
(Rec. Doc. 56)

On October 3, 2008, the undersigned granted plaintiff's motion to compel and for attorneys fees, and awarded sanctions pursuant to Fed. R. Civ. P. 37 (a)(4).¹ On October 22, plaintiff's counsel filed an Affidavit of Fees and Expenses.² Defendants did not file an opposition.

Plaintiff seeks an award of \$1,805.10, representing \$1,770.00 in legal fees and \$35.10 in expenses. Plaintiff requests an hourly rate of \$200.00 for attorney David J. Krebs, and \$140.00 per hour for attorneys Richard E. Baudoin and Alona R. Croteau. The affidavit details a total of 12.3 hours spent in connection with preparing the motion to compel.

Rule 37(a)(4) FED. R. CIV. P. provides that when a motion to compel is granted the court shall require the party whose conduct necessitated the motion to pay to the moving party the reasonable expenses incurred in making the motion, including a reasonable attorneys' fee. Reasonable attorneys' fees are determined by multiplying the reasonable hours expended by a reasonable hourly rate. Hensley v. Eckerhart, 461 U.S. 424, 434 (1983). The calculation of

¹ Rec. Doc. 48.


² Rec. Doc. 56.

reasonable hours requires a determination of whether the total number of hours claimed were reasonable and whether specific hours claimed were reasonably expended. League of United Latin American Citizens #4552 (LULAC) v. Rosco Independent Sch. Dist., 119 F. 3d 1228, 1232 (1997). A reasonable hourly billing rate is based on the “prevailing market rates in the relevant community.” Blum v. Stenson, 465 U.S. 886, 895 (1984).

After reviewing the affidavit and considering the underlying dispute, the undersigned concludes that the hours requested are reasonable. The undersigned finds that \$175.00 is a reasonable hourly amount for Mr. Krebs and that \$125 per hour is a reasonable rate for Mr. Baudoin and Ms. Croteau. The undersigned thus concludes that an award of \$1,612.60 will reasonably compensate plaintiff for the fees and costs incurred. This amount includes \$35.0 in expenses.

IT IS THEREFORE ORDERED that defendants shall forward payment to plaintiff’s counsel of record the sum of \$1,612.60 within thirty (30) days following receipt of this order.

Signed at Lafayette, Louisiana, on April 13, 2009.



Mildred E. Methvin
United States Magistrate Judge
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